

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Charlestown Mall Site - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II

Subject: POLREP #34
RV-1 Progress
Charlestown Mall Site
A239
Frankfort, NY
Latitude: 43.0891260 Longitude: -75.1833230

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From: Terry Kish, On Scene Coordinator
Date: 12/7/2011
Reporting Period: 11/23/11 - 12/2/11

1. Introduction

1.1 Background

Site Number:	A239	Contract Number:	EP-S2-10-01
D.O. Number:	10	Action Memo Date:	7/16/2010
Response Authority:	CERCLA	Response Type:	Time-Critical
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	8/16/2010	Start Date:	8/16/2010
Demob Date:		Completion Date:	
CERCLIS ID:	NYC200400513	RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:		Reimbursable Account #:	

1.1.1 Incident Category

1.1.2 Site Description

1.1.2.1 Location

The Charlestown Mall Site is located at 2205 Bleecker Street in the Town of Frankfort, Herkimer County, NY (43.089126 latitude, -75.183323 longitude). The Site is a former manufacturing facility that was used by various owners and industries from as early as 1894 until the mid 1970s when manufacturing ended at the Site. The Site is approximately 14.5 acres in size, of which, approximately 1.7 acres is located in the City of Utica, Oneida County, while the remainder is located in the Town of Frankfort, Herkimer County, New York. The Site is located at the eastern edge of the City of Utica in a largely commercial area. Commercial properties border the Site to the east, north, west and southeast. The Site is bordered to the southwest by the Masonic Care Community of New York, a large assisted living facility that has the capacity to serve approximately 300 residences. Approximately 400 residences are located within one mile of the Site and approximately 950 people live within one mile of the Site.

Savage Arms manufactured small arms and munitions at the Site until after WWII. Manufacturing at the Site slowed until the property was eventually sold in 1956 to Sperry Univac where early computer parts were developed and assembled. Sperry Univac operated at the site until operations ceased in 1976 and the property was sold. A portion of the facility was redeveloped as a retail shopping outlet known as the Charlestown Outlet Complex. At its peak, the shopping outlet housed 52 stores, two restaurants an off-track betting parlor and a food court. The Charlestown Mall operated at the west end of the site until 1991 when the complex became the Charlestown Business Complex which housed commercial tenants of various types.

The property was purchased by Charlestown Mall of Utica, LLC in 2007 and currently commercial use of the property is very limited.

1.1.2.2 Description of Threat

In recent years, several buildings at the Site have fallen into advanced states of deterioration. In early 2008, the New York State (NYS) Department of Labor (DOL) and NYS Department of Environmental Conservation (DEC) directed a demolition company to cease unpermitted demolition activities at the Site as no steps were taken to abate asbestos containing materials from the buildings and no variance was obtained prior to demolition. NYS DOL documented the presence of Asbestos Containing Materials (ACM) in the resulting debris piles. In October 2008, NYSDEC referred the Site to EPA for a removal site evaluation. As a result of efforts by the owner to obtain funding to come into compliance at the site, NYSDEC continued negotiations through October of 2009, when NYSDEC asked EPA to resume evaluation of the Site.

Evaluation of the Site in 2008 and 2009 has identified the presence of friable asbestos, corrosive and ignitable liquids, chlorinated solvents stored in drums and the presence of transformers filled with PCB-containing dielectric fluid which present direct contact threats to the public.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On November 4, 2008, EPA Removal Action Branch (RAB), Criminal Investigation Division (CID) along with Removal Support Team (RST) contractors accompanied the NYSDEC Bureau of Environmental Crimes Investigations (BECI) in the execution of a search warrant to collect samples at the Site. Samples confirmed the presence of ACM both in demolition debris and within remaining deteriorated structures. During the investigation, electrical transformers were identified, some of which had been subject to salvaging. Samples confirmed that dielectric fluid released as a result of salvaging, contained PCBs in high concentrations. A sample of oily solids collected from the floor of the transformer area revealed a concentration of 44,000 mg/kg PCBs. This investigation focused solely on the dilapidated/demolished structures on the eastern half of the Site. At that time, approximately nine commercial tenants were estimated to occupy the largely empty Site. Following this assessment, NYSDEC entered into enforcement negotiations with the owner of the property. Further evaluation of the Site by EPA was suspended, pending the outcome of those negotiations.

In October 2009, NYSDEC requested that EPA resume evaluation of the Site. EPA performed an additional removal assessment of the Site in November 2009. This assessment was expanded to include the onsite

boiler house (building 6) because evidence of salvaging was observed which had released dielectric fluid onto the ground outside the building. Evaluation of the building identified drums containing corrosive, ignitable, and toxic liquids present with the building. On November 19, 2009, EPA directed the owner of the property, Charlestown Mall, LLC, to secure the boiler house (Building 6) due to the ongoing unauthorized salvaging operations, and to dispose of the abandoned hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that Building 6 had been secured, however the owner did not dispose of the drums within the building.

Further evaluation of the large volume of demolition debris was also conducted during the November 2009 assessment. A thorough search of surface of the pulverized debris consistently confirmed small fragments of friable ACM to be present throughout the areas searched. Asbestos content of the fragments ranged from <1% to 80% asbestos (chrysotile and/or amosite).

2. Current Activities

2.1 Operations Section

2.1.1 Current Activities

Following the Thanksgiving holiday, Kemron and Weston personnel remobilized to the Site on November 27 and resumed Site activities on November 28.

On November 28, Kemron continued to excavate asbestos contaminated debris from the "dump area" along the northern property line. With direct observation from RST, Kemron continued to unearth buried asbestos containing materials in this area. On November 29, Kemron completed the excavation of this area. A thorough visual inspection conducted by the EPA OSC and RST did not identify any additional ACM, although more refuse is buried in the embankment. Surface soil samples will be collected by RST to confirm residual asbestos is not present in this area.

Kemron subcontractor, Atlas Fencing, began installation of a six foot chain link fence around the open building foundations on November 28. Once completed, the fence will connect with the perimeter fence along Bleeker St., follow along the west side of the haul road, turn, and continue along the north side of the Building 3 foundation, eventually connecting with the existing fence near Building 6.

On November 29, Kemron also continued load-out of friable asbestos contaminated demolition debris from the "dump area" situated along the northern property line. Debris was loaded into roll-off dumpsters double lined with 6 mil poly liners. Once filled, each load is wetted and the liner is sealed. Subcontracted hauler, Riccelli Trucking, is transporting the debris to the landfill. Upon delivery to the landfill, each load is dumped directly into a dedicated, pre-dug trench and covered immediately. Kemron personnel are using fire hoses to perform dust suppression whenever asbestos contaminated debris is being disturbed and to thoroughly wet the material being shipped offsite. A total of 295.11 tons of debris were shipped off site for disposal during this period. A total of 13,388.75 tons of asbestos contaminated debris have shipped off site for disposal since September 9, 2011.

A review of soil sample results collected from soil areas within the work area identified detectable levels of Chrysotile and Amosite asbestos ranging from 0.26% to 1% asbestos. Based on these results, additional excavation will be required in the soil area between former buildings 3,14,5 and 17. Additional excavation is also required along the south side of Building 6. A six inch scrape of these areas was initiated on November 30, and load out of the excavated soil was initiated on December 2.

Analytical results for the micro-vac dust samples were received on November 28 and 29th. The results ranged from 389 structures per square centimeter (str/cm²) to 42,778 str/cm². Although the results are not directly comparable to any regulatory clean-up level, the broad range in the results suggests that the decontamination efforts thus far have only been partially effective in eliminating residual asbestos contamination.

On December 1, Kemron received 108 cubic yards of clean fill from Ludlow Sand and Gravel to complete the backfilling at the east end of the Building 5 footprint. No additional fill will be required in this area. To date, a total of 2,034 cubic yards of fill have been delivered to the Site.

RST performed daily perimeter air sampling for asbestos at four stations located around the perimeter of the Site. To date, perimeter air sampling has not identified any positive detections of asbestos. Based on the

nature of the work remaining at the Site and based on review of the extensive data set collected thus far, the OSC determined that continued particulate monitoring is no longer necessary.

When available, all air monitoring results will be posted in the documents section of the website.

www.epaossc.org/charlestownmall

2.1.2 Response Actions to Date

On November 19, 2009, EPA directed the owner of the Site, Charlestown Mall of Utica, LLC to secure Building 6 and to dispose of the drums containing hazardous substances within the building. On December 2, 2009, EPA visited the Site and confirmed that the building had been secured; however, the owner did not dispose of the materials inside of the building. The abandoned materials will be disposed of by EPA. On August 16, 2010, EPA mobilized ERRS contractors to the Site to initiate removal activities as reported in Section 2.2.1.1.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

In November 2008, NYSDEC BECI along with EPA Removal Action Branch and Criminal Investigation Division executed a search warrant at the Site in response to the unpermitted demolition and potential asbestos release which had been documented at the Site. In 2009, NYSDEC directed Charlestown Mall of Utica, LLC to perform a cleanup of the asbestos contaminated debris and PCBs at the Site. Several PRPs have been identified by EPA's Office of Regional Counsel (ORC) and efforts are ongoing to establish additional potentially liable parties. A complete summary of the enforcement status can be obtained through EPA ORC.

2.1.4 Progress Metrics

Waste Disposal

<i>Waste Stream</i>	<i>Date</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal Facility</i>
RQ,Asbestos, NA2212, 9, PG III	11/2/11	342.22 Tons	CTM664 - CTM678	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/3/11	264.28 Tons	CTM679 - CTM698	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/3/11	237.04 Tons	CTMD001 - CTMD007	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294

					Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/4/11	318.91 Tons	CTM699 - CTM718	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/4/11	220.01 Tons	CTMD008 - CTMD014	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/7/11	167.35 Tons	CTM719 - CTM730	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/7/11	210.69 Tons	CTMD015 - CTMD021	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/8/11	99.53 Tons	CTM731 - CTM738	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/8/11	194.14 Tons	CTMD022 - CTMD027	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294

					Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/9/11	112.71 Tons	CTM739 - CTM745	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/9/11	240.98 Tons	CTMD028 - CTMD035	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/10/11	117.33 Tons	CTM746 - CTM752	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/10/11	40.63 Tons	CTMD036	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/11/11	219.07 Tons	CTM753 - CTM763	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Non Hazardous, Non DOT Regulated (Construction & Demolition Debris)	11/11/11	44.91 Tons	CTMD037	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294

					Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/14/11	138.85 Tons	CTM764 - CTM771	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/15/11	159.75 Tons	CTM772 - CTM780	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/16/11	180.74 Tons	CTM781 - CTM791	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/17/11	287.81 Tons	CTM792 - CTM810	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/18/11	238.68 Tons	CTM811 - CTM825	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/21/11	281.64 Tons	CTM827 - CTM842	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294

					Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/22/11	71.32 Tons	CTM843 - CTM846	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/29/11	40.13 Tons	CTM847 - CTM848	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	11/30/11	51.72 Tons	CTM849 - CTM851	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	12/1/11	71.22 Tons	CTM852 - CTM855	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
RQ,Asbestos, NA2212, 9, PG III	12/2/11	132.04 Tons	CTM856 - CTM863	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303
Total ACM contaminated demolition debris (9/9/11 - 12/2/11)		13,388.75 Tons		Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294

			Ava, NY 13303
Total non-ACM contaminated demolition debris (9/9/11 - 11/11/11)	1,188.40 Tons	Landfill	Oneida Herkimer Solid Waste Authority - Ava Landfill NYS Route 294 Ava, NY 13303

Refer to PolRep #17 for a summary of asbestos abatement completed.

Refer to PolRep #22 for a summary of non asbestos related waste disposal prior to September 9, 2011

Refer to PolRep #26 for a summary of asbestos contaminated debris disposal 9/9/11 - 9/30/11

Refer to PolRep #30 for a summary of demolition debris disposal 10/3/11 - 10/28/11

Refer to Polrep #33 for a summary of non asbestos related waste shipped offsite on 11/22/2011

Recycling

Scrap Metal: 233.31 tons

2.2 Planning Section

2.2.1 Anticipated Activities

2.2.1.1 Planned Response Activities

An Action Memorandum was approved on July 16, 2010 detailing the need for and objective of this removal action. Removal activities described in the Action memorandum include the following:

- Characterization and disposal of drums and chemicals located inside Building 6;
- Remove and dispose of the electrical transformers and capacitors from Building 15;
- Containerize and properly dispose of the PCB-contaminated debris from the floor of Building 15;
- Demolish Building 15, segregate and dispose of PCB contaminated material as appropriate;
- Repair/replace existing chain link fence;
- Evaluate Buildings 7, 13, and 17 to determine if any bulk ACM can be safely removed prior to demolition;
- Remove and dispose of ACM from existing dilapidated structures and segregated from the debris;
- Demolish remaining portions of Buildings 5, 7, 13, and 17 that cannot be decontaminated safely;
- Demolish partially collapsed Building 9 to provide additional space to stage asbestos contaminated debris accumulated and provide access to the partially collapsed former firing range, which may contain residual lead and require off-site disposal;
- Segregate and decontaminate scrap metal for recycling;
- Off-site disposal of asbestos-contaminated debris.

2.2.1.2 Next Steps

Following the additional soil excavation triggered by soil sample results, RST will collect additional soil samples from these areas. Once asbestos is no longer detected in the soil samples, Kemron will again pressure wash the concrete foundations to remove residual debris and asbestos.

2.2.2 Issues

Following a review of the micro-vac dust sample results, the source of the asbestos is uncertain. Some of the highest results were observed in some of the cleanest (visibly) areas. It is possible that the concrete itself could be a source of asbestos fibers or the concrete may have has an asbestos containing product applied to it in the past. If either of these is the case, additional sampling will continue to confirm the presence of asbestos.

2.3 Logistics Section

Not Applicable

2.4 Finance Section

2.4.1 Narrative

Note: ERRS and RST contractor costs through December 2, 2011.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$3,468,000.00	\$3,170,625.08	\$297,374.92	8.57%
RST	\$400,000.00	\$331,919.63	\$68,080.37	17.02%
Intramural Costs				
USEPA - Direct	\$135,000.00	\$98,500.00	\$36,500.00	27.04%
Total Site Costs	\$4,003,000.00	\$3,601,044.71	\$401,955.29	10.04%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Other Command Staff

2.5.1 Safety Officer

None

2.6 Liaison Officer

Not Applicable

2.7 Information Officer

2.7.1 Public Information Officer

Not Applicable

2.7.2 Community Involvement Coordinator

Community Involvement Coordinator, Cecilia Echols, has been assigned to the Site and has created fact sheet, which is available in the documents section at www.epaosc.org/charlestownmall

3. Participating Entities

3.1 Unified Command

Not Applicable

3.2 Cooperating Agencies

New York State Department of Environmental Conservation

New York State Department of Labor

4. Personnel On Site

- 1 - EPA OSC
- 8 - ERRS (KEMRON)
- 1 - RST (Weston Solutions)

5. Definition of Terms

ACM: Asbestos Containing Material

ECCS: Environmental Contracting and Construction Services

ERRS: Emergency Rapid Response Service contract (KEMRON Environmental Services, Inc.)

PACM: Presumed Asbestos Containing Material

PCBs: Polychlorinated biphenyls

PPM: parts per million

OSC: On-Scene Coordinator (US EPA)

RST: Removal Support Team contract (Weston Solutions, Inc.)

TCL: Target Compound List

TSCA: Toxic Substance Control Act

6. Additional sources of information

6.1 Internet location of additional information/report

- www.epaosc.org/charlestownmall
- <http://www.osha.gov/SLTC/asbestos/>
- <http://www.epa.gov/asbestos/>

6.2 Reporting Schedule

PolReps will be issued on a weekly basis.

7. Situational Reference Materials

Clicking the link below will launch Google™ Earth (if installed on your computer)

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Site.kmz>

Note: 40 MB download, a high speed internet connection is recommended.

A line drawing depicting building layout of the Site and associated building numbers

<http://www.epaosc.org/sites/5676/files/Charlestown%20Mall%20Layout.pdf>